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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEDICAL DEVICE INCLUDING UNITARY, CONTINUOUS
PORTION OF VARYING DUROMETER

the specification of which was filed on May 3, 2001, as Serial No. 09/848,742 and that this application claims subject matter disclosed in my earlier filed Provisional Application, Serial No. 60/207,058, filed May 25, 2000, and U.S. Application Serial No. 09/663,747 filed on September 15, 2000.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application No. Date Filed

60/207,058 May 25, 2000

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United

States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
09/663,747	September 15, 2000	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Richard J. Godlewski, Reg. No. 30,056, Anton P. Ness, Reg. No. 28,453, Charles W. Agnew, Reg. No. 44,497, and James B. Hunt, Reg. No. 40,276, as my attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

It is respectfully requested that all written communications from the Patent and Trademark Office in connection with this application be addressed to:

Anton P. Ness
Patent Attorney
P.O. Box 2269
Bloomington, IN 47402-2269
Phone: (812) 330-1824

Full name of

1st inventor Scott E. Boatman

Inventor's
Signature



Date May 24, 2001

Residence Bloomington, Indiana

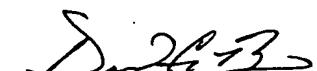
Citizenship United States of America

Post Office 920 E. University Street

Address

Bloomington, IN 47401

Full name of

2nd inventor David G. BurtonInventor's
SignatureDate May 25, 2001

Residence

Bloomington, Indiana

Citizenship

United States of America

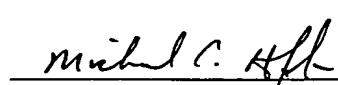
Post Office

3215 S. Market Place, Apt. F3

Address

Bloomington, IN 47403

Full name of

3rd inventor Michael C. HoffaInventor's
SignatureDate June 4, 2001

Residence

Bloomington, Indiana

Citizenship

United States of America

Post Office

2421 North Skyline Drive

Address

Bloomington, IN 47404

Full name of

4th inventor Thomas A. OsborneInventor's
SignatureDate June 8, 2001

Residence

Bloomington, Indiana

Citizenship

United States of America

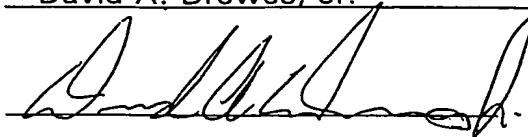
Post Office

9480 S. Pointe LaSalles Drive

Address

Bloomington, IN 47401

Full name of

5th inventor David A. Drewes, Jr.Inventor's
Signature Date May 31, 2001Residence Bloomington, IndianaCitizenship United States of AmericaPost Office 5021 Autumn Circle

Address

Bloomington, IN 47404

Full name of

6th inventor David R. LessardInventor's
Signature Date May 31, 2001Residence Bloomington, IndianaCitizenship United States of AmericaPost Office 4301 Chadwick Court

Address

Bloomington, IN 47401

Full name of
7th inventor Maggie A.Z. Hupcey

Inventor's
Signature 

Date May 30, 2001

Residence Indianapolis, Indiana

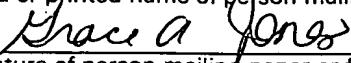
Citizenship United States of America

Post Office
Address 925 N. Alabama Street
Indianapolis, IN 46202

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Date: June 18, 2001

Grace A. Jones
(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

ASSIGNMENT AND AGREEMENT

For value received, We, Scott E. Boatman, residing at 920 E. University Street, Bloomington, IN, 47401, U.S.A., David G. Burton, residing at 3215 S. Market Place, Apt. F3, Bloomington, IN, 47403, U.S.A., Michael C. Hoffa, residing at 2421 North Skyline Drive, Bloomington, IN, 47404, U.S.A., and Thomas A. Osborne, residing at 9480 S. Pointe LaSalles Drive, Bloomington, IN, 47401, U.S.A., hereby sell, assign, and transfer to **Cook Incorporated**, a corporation of the State of Indiana, having an office at 925 South Curry Pike, Bloomington, IN, 47403, U.S.A., and its successors, assigns and legal representatives, hereinafter collectively "Cook," and we, David A. Drewes, Jr., residing at 5021 Autumn Circle, Bloomington, IN, 47404, U.S.A., David R. Lessard, residing at 4301 Chadwick Court, Bloomington, IN, 47401, U.S.A., and Maggie A.Z. Hupcey, residing at 925 N. Alabama Street, Indianapolis, IN, 46202, U.S.A., hereby sell, assign, and transfer to **Sabin Corporation**, a corporation of the State of Indiana, having an office at 3800 Constitution Avenue, Bloomington, IN, 47403, U.S.A., and its successors, assigns and legal representatives, hereinafter collectively "Sabin", the entire right, title and interest, for the United States of America, in and to certain inventions related to "MEDICAL DEVICE INCLUDING UNITARY, CONTINUOUS PORTION OF VARYING DUROMETER" described in U.S. Application Serial No. 09/848,742, filed on May 3, 2001, and described in U.S. Provisional Application Serial No. 60/207,058 filed on May 25, 2000, and U.S. Application Serial No. 09/663,747 filed on September 15, 2000, and all the rights and privileges in said application and under any and all Letters Patent or any continuation, division, renewal, or substitute thereof, and any reissue or re-examination thereof that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Cook and Sabin, either jointly or individually, the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

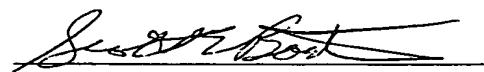
We authorize Cook and Sabin, either jointly or individually, to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Cook and Sabin, either jointly or individually, to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Cook and Sabin, either jointly or individually, in the United States and in all countries foreign to the United States, or to such nominees as Cook and Sabin, either jointly or individually, may designate.

We agree that, when requested, we shall, without charge to Cook and Sabin, either jointly or individually, but at their expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

Date: May 24, 2001



Scott E. Boatman, Inventor

United States of America)

State of Indiana) ss:

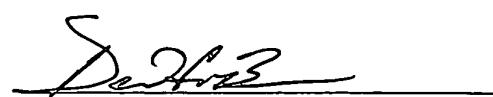
County of Monroe)

On this 24 day of May, 2001, before me personally came Scott E. Boatman, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Anna Renee Hawkins
Notary Public

My Commission Expires: April 12, 2008

Date: May 25, 2001

David G. Burton, Inventor

United States of America)

State of Indiana) ss:

County of Monroe)

On this 25 day of May, 2001, before me personally came David G. Burton, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Notary PublicMy Commission Expires: April 12, 2008Date: June 6, 2001

Michael C. Hoffa, Inventor

United States of America)

State of Indiana) ss:

County of Monroe)

On this 6 day of June, 2001, before me personally came Michael C. Hoffa, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Notary PublicMy Commission Expires: April 12, 2008

Date: May 23, 2001
Thomas A. Osborne
Thomas A. Osborne, Inventor

United States of America)

State of Indiana) ss:

County of Monroe)

On this 23 day of May, 2001, before me personally came Thomas A. Osborne, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.


Anna Renee Hawkins
Notary PublicMy Commission Expires: April 12, 2008

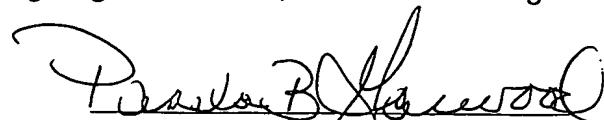
Date: May 31, 2001
David A. Drewes, Jr., Inventor

United States of America)

State of Indiana) ss:

County of Monroe)

On this 31 day of May, 2001, before me personally came David A. Drewes, Jr., to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Notary Public

My Commission Expires: PAMELA B. GARWOOD, Notary Public
Resident of Monroe County
My commission expires 10/24/2007Date: May 31, 2001

David R. Lessard, Inventor

United States of America)

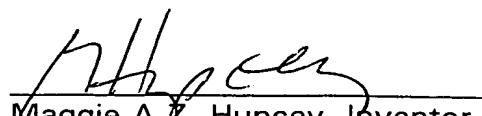
State of Indiana) ss:

County of Monroe)

On this 31ST day of May, 2001, before me personally came David R. Lessard, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.


Notary PublicMy Commission Expires: 3-20-2008

Date:

May 30, 2001
Maggie A.Z. Hupcey, Inventor

United States of America)

State of Indiana) ss:

County of Marion)

On this 30th day of May, 2001, before me personally came Maggie A.Z. Hupcey, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.


Audrey J. Fuchum
Notary PublicMy Commission Expires: 3-26-2008